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[New Hampshire Code of Administrative Rules](#)  
[Env-C 200](#)

## CHAPTER Env-C 200 RULES OF PRACTICE AND PROCEDURE

Statutory Authority: RSA 541-A:16, I

### PART Env-C 201 PURPOSE AND APPLICABILITY

#### Env-C 201.01 Purpose.

(a) The purpose of these rules is to provide:

(1) Uniform procedures for the conduct of adjudicative and non-adjudicative hearings and the review and disposition of motions for reconsideration, rulemaking petitions, and claims of confidentiality; and

(2) Uniform criteria for suspending, revoking, or refusing to issue or renew licenses issued by the department of environmental services.

(b) These rules are intended to supplement the procedures established by RSA 541-A and any procedures or criteria established under any statute implemented by the department of environmental services.

Source. #4653, eff 7-27-89; ss by #4834, eff 6-4-90; ss by #5265, eff 10-31-91; ss by #5860, eff 7-1-94; ss by #6960, eff 3-25-99

#### Env-C 201.02 Applicability.

(a) The rules in Env-C 203 shall apply to all administrative proceedings conducted by the department of environmental services as described in Env-C 204 - 209, and shall be in addition to applicable requirements of RSA 541-A and the rules set forth in Env-C 204 - 209 as applicable to a specific type of proceeding.

(b) In the event that other department rules exist, such as in sub-titles Env-C, Env-A, Env-Wm, Env-Wr, Env-Ws, Wt or successor designations, which establish procedures for specific programs or divisions, the rules in this chapter shall apply on a particular issue only if the program-specific rules are silent on that issue.

Source. #4653, eff 7-27-89; ss by #5860, eff 7-1-94; ss by #6960, eff 3-25-99

### PART Env-C 202 DEFINITIONS

Env-C 202.01 "Commissioner" means the commissioner of the department of environmental services.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 202.02 "Department" means the department of environmental services.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 202.03 "Division" means a "division", as defined in RSA 21-G:5, VII, within the department which has primary responsibility for administering a statute, such as the air resources division, the waste management division, and the water division.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 202.04 "Party" means, for purposes of adjudicative hearings, "party" as defined by RSA 541-A:1, XII. Any specific reference to "party" in these rules includes intervenors unless such inclusion would violate the specific terms of an order issued by the presiding officer under RSA 541-A:32, V.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 202.05 "Respondent" means the person whose rights will be directly affected by the department's decision or proposed decision.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

#### PART Env-C 203 PROVISIONS APPLICABLE TO ALL PROCEEDINGS

Env-C 203.01 Presiding Officer. The presiding officer for any hearing shall be the commissioner or designee.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 203.02 Authority of Presiding Officer. The presiding officer shall:

- (a) Regulate and control the course of the hearing;
- (b) Administer oaths and affirmations, at adjudicative hearings;
- (c) Receive relevant exhibits;
- (d) Dispose of procedural requests, including adjournments or continuances, at the request of a party or on the presiding officer's own motion;
- (e) Question any person who testifies;
- (f) Cause a complete record of any proceeding to be made; and
- (g) Take any other action consistent with applicable statutes and rules necessary to conduct the hearing and complete the record in a fair and timely manner.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 203.03 Computation of Time.

- (a) Unless otherwise specified, all time periods referenced in Env-C 200 shall be calendar days.
- (b) Computation of any period of time referred to in these rules shall begin with the first day following the day on which the act which initiates such period of time occurs, and shall include the last day of the period so computed.
- (c) If the last day of the period so computed falls on a Saturday, Sunday or state legal holiday, then the time period shall be extended to include the first business day following the Saturday, Sunday or state legal holiday.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 203.04 Date of Issuance or Filing.

- (a) All orders, decisions, notices, or other written correspondence or documents issued by or at the direction of the department shall be deemed to have been issued on the date noted on the document.
- (b) All requests for findings of fact and conclusions of law, correspondence, motions, petitions, applications, requests for reconsideration, and any other written documents governed by these rules shall be deemed to have been filed with or received by the department on the actual date of receipt by the department, as evidenced by a date stamp placed on the document in the normal course of business by the department.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 203.05 Address Updates.

- (a) Any party to an adjudicative proceeding and any person who has filed a motion for reconsideration shall maintain a current address and telephone number on file with the presiding officer until completion of the matter.
- (b) Notices mailed by first class mail, postage prepaid, to the address on file with the presiding officer shall be presumed to have been received by the party.
- (c) For purposes of this section, "completion of the matter" means the later of:
  - (1) The date compliance is achieved or the fine is paid, if applicable; or
  - (2) The date of the final decision on the last appeal taken.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 203.06 Retention of Department Decisions.

(a) Subject to (b), below, the department shall maintain on file such written decisions or orders as are issued pursuant to RSA 541-A:35 as follows:

(1) For decisions or orders that are not appealed, for no less than 4 years from the date of the decision or order; and

(2) For decisions or orders that are appealed, for no less than 4 years from the date of the final decision on appeal.

(b) If the director of the division of records management and archives of the department of state sets a retention period, pursuant to rules adopted under RSA 5:40, for written decisions or orders issued pursuant to RSA 541-A:35 of longer than 4 years, the department shall maintain such written decisions or orders on file for such longer period.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 203.07 Waiver of Rules.

(a) Subject to (g), below, any party to an adjudicative hearing and any person participating in a non-adjudicative hearing or otherwise affected by the rules in Env-C 200 may request the presiding officer to waive any rule in Env-C 200 for good cause. If no presiding officer has been designated, the requestor shall direct the request to the Commissioner.

(b) Waiver requests made in conjunction with an adjudicative hearing shall be in the form of a motion, and shall be filed and handled in accordance with Env-C 204.08.

(c) A request to waive a rule not made in conjunction with an adjudicative hearing shall:

(1) Be in written form, unless made in response to a matter asserted for the first time at a hearing or on the basis of information which was not received in time to prepare a written motion prior to the hearing at which the motion is presented;

(2) Contain a clear and concise statement of the reason(s) why the waiver is being requested, including a statement of the impact on the requestor if the waiver is not granted; and

(3) Be included in the record of the proceeding if in writing, or recorded in full on the record of the hearing if made orally.

(d) If the presiding officer finds that a request made orally at a non-adjudicative hearing requires additional information in order to be fully and fairly considered, the presiding officer shall direct the requestor to submit the request in writing, with supporting information, within 3 working days of the date of the oral motion. If other persons participating in the hearing wish to respond to the request, the response(s) shall be filed no later than 7 days after the request is filed.

(e) The presiding officer shall rule upon a waiver request after full consideration of all factors relevant to the request.

(f) For purposes of this section, good cause shall be determined with reference to the rule for which the waiver is sought. If good cause is not specifically defined in the rule for which a waiver is sought, good cause shall be deemed to exist if:

(1) Compliance with the rule cannot be achieved due to circumstances beyond the control of the person requesting the waiver and waiving the rule will not materially prejudice any other person;

(2) Compliance with the rule would work a hardship on the person requesting the waiver and waiving the rule will not prejudice any other person; or

(3) Compliance with the rule would otherwise be counterproductive to the purpose of the proceeding in which the waiver is sought, given the specific circumstances of the proceeding and the reason(s) for the waiver request.

(g) No waiver shall be granted to any rule that reflects a statutory or constitutional requirement without the consent of the person(s) to whose benefit the provision operates.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

## PART Env-C 204 ADJUDICATIVE HEARINGS

Env-C 204.01 Applicability. The rules in Env-C 204 shall apply to hearings held by the department when the person whose rights will be affected by the decision disagrees with the department's decision or proposed decision.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

### Env-C 204.02 Notice.

(a) The department shall send the initial notice of an adjudicative hearing to the respondent by certified mail, return receipt requested. If the certified mail is not accepted, the notice shall be delivered in hand to the respondent or, if the respondent is unavailable, to the respondent's representative.

(b) If other persons are known by the department to be interested in attending the hearing, the department shall send notice to such persons by first-class mail.

(c) The initial notice of an adjudicative hearing shall contain the information required by RSA 541-A:31, III.

(d) If in response to the initial notice a party requests and is granted a continuance, the department shall give written notice of the date, time, and place of the continued hearing by delivery in hand or by first class mail to all parties and persons who received notice of the original hearing pursuant to (b), above.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

### Env-C 204.03 Appearance and Representation.

(a) Any party to an adjudicative hearing may be represented by an attorney licensed to practice law in New Hampshire or other individual. The representative shall notify the presiding officer of such representation in writing by filing an appearance in accordance with paragraph (b).

(b) The appearance filed by the party's representative shall include the following information:

(1) A brief identification of the matter in which the representative will appear;

(2) A statement as to whether or not the representative is an attorney and if so, whether s/he is licensed to practice in New Hampshire; and

(3) The representative's daytime address and telephone number.

(c) Nothing in these rules shall be construed to allow or encourage the unauthorized practice of law.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 204.04 Burden and Standard of Proof.

(a) In all adjudicative hearings, the party asserting a proposition shall bear the burden of proving the truth of the proposition by a preponderance of the evidence.

(b) In a hearing held to determine whether a license or permit that has already been issued should be suspended, revoked, or not renewed, the department shall bear the overall burden of proof by a preponderance of the evidence.

(c) In a hearing held to determine whether an administrative fine should be imposed, the division that initiated the proceeding shall bear the overall burden of proof by a preponderance of the evidence.

(d) In any hearing held on a motion to reconsider a decision which has been made in accordance with applicable legal procedure, the person seeking to overturn the decision shall bear the overall burden of proof by a preponderance of the evidence.

(e) For purposes of this section, proof by a preponderance of the evidence means what is sought to be proved is more probable than not.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 204.05 Prehearing Conference. Any party may request a prehearing conference in accordance with RSA 541-A:31, V.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 204.06 Filing and Service of Documents.

(a) Any person wishing to file requests for findings of fact and conclusions of law, correspondence, motions, petitions, applications, requests for reconsideration, or any other written documents governed by these rules shall deliver the original and one copy of the document to:

- (1) The presiding officer, for pending cases;
- (2) The commissioner, for cases for which a presiding officer has not yet been identified and the commissioner is the decision-maker; or
- (3) The director of the division to which the decision-making authority has been delegated, for cases for which a presiding officer has not yet been identified and the commissioner has delegated the decision-making authority.

(b) Any person filing any document as provided in (a), above, shall serve the document on all other parties of record by delivering a copy of the document to such parties at the time the document is filed.

(c) The person filing the document shall also file a statement certifying that copies have been or are being delivered to all other parties of record as required by this section.

(d) Delivery of documents pursuant to this section shall be by:

- (1) Delivery in hand to the recipient or, if the recipient is unavailable, to the recipient's representative;
- (2) First class mail to the recipient, postage prepaid;
- (3) Certified mail to the recipient, return receipt requested;
- (4) United States Postal Service express delivery service to the recipient; or
- (4) Private express delivery service, such as Federal Express<sup>7</sup> or UPS<sup>7</sup>, to the recipient.

Source. #6960, eff 3-25-99

Env-C 204.07 Pre-hearing Exchange of Information.

(a) More than one week prior to the commencement of a hearing, the parties shall exchange the following:

- (1) A list identifying each witness expected to be called at the hearing with a brief description of that witness's testimony;
- (2) A list of all exhibits expected to be presented at the hearing; and
- (3) Any requests for changes to or waivers of the standard procedures as specified in these



rules or other matters concerning the conduct of the hearing.

(b) If a party wishes to obtain information other than that specified in (a), above, from another party, the requesting party shall request the information in writing and shall deliver the request to the presiding officer and the other party as provided in Env-C 204.06.

(c) Requests pursuant to (b), above, shall be limited to information directly related to the matter for which the hearing will be conducted.

(d) A party receiving a request for information pursuant to (b), above, shall respond to the request within 10 days by:

(1) Providing the information requested;

(2) Explaining why the information will not be provided; or

(3) Identifying a date and time when the information can be made available for inspection, which date and time shall be sufficiently in advance of the hearing on the matter that the information can be reasonably reviewed prior to the hearing.

(e) A party who has received a request for information pursuant to (b), above, may decline to provide information which the party believes is:

(1) Confidential;

(2) Privileged;

(3) Not directly related to the matter at hand; or

(4) Excessively burdensome to produce.

(f) If a party declines to provide information pursuant to (e), above, the explanation provided pursuant to (d)(2), above, shall include a detailed explanation of the reason(s) why the information is not being provided.

(g) A party who has requested information pursuant to (b), above, that is not provided may request the presiding officer to require the party of whom the information was requested to provide the information. Such requests shall be in the form of a written motion and shall be filed and handled in accordance with Env-C 204.08.

(h) The party shall file a motion pursuant to (g), above, within 7 days of receiving the denial of the information under (e), above, but no later than 5 days prior to the scheduled hearing. No motion shall be accepted within 5 days before a scheduled hearing unless the presiding officer determines that good cause exists for the late filing. For purposes of this paragraph, good cause shall mean that the party requesting the information did not discover the existence of the information in time to request the information, receive the denial, and file a timely motion and could not have discovered the existence of the information with reasonable diligence.

(i) If in ruling on a motion filed pursuant to (h), above, the presiding officer determines that

the requesting party will be materially prejudiced in the case being heard by the lack of the requested information, and the party asked to provide the information fails or refuses to provide it, the presiding officer shall fashion such remedy as is appropriate to the circumstances, including:

- (1) Delaying the hearing until the information is provided;
- (2) Ruling that such information shall not be admissible at the hearing on the matter or in any subsequent proceeding on the matter, unless the information is already a matter of public record; or
- (3) Finding in favor of the requesting party.

Source. #6960, eff 3-25-99

Env-C 204.08 Motions.

- (a) Motions shall be in written form, unless made in response to a matter asserted for the first time at a hearing or on the basis of information which was not received in time to prepare a written motion prior to the hearing at which the motion is presented.
- (b) All motions shall contain a clear and concise statement of the facts and law which support the motion and shall state the specific relief or ruling requested. All other parties to the proceeding shall have an opportunity to respond to the motion.
- (c) Written motions shall be included in the record of the proceeding. If other parties to the proceeding wish to respond to a written motion, the response(s) shall be filed no later than 7 days after the motion was filed.
- (d) Oral motions shall be recorded in full on the record of the hearing. Subject to (e), below, responses to oral motions shall be made orally during the hearing at which the motion is made.
- (e) If the presiding officer finds that a motion made orally at a hearing requires additional information in order to be fully and fairly considered, the presiding officer shall direct the moving party to submit the motion in writing, with supporting information, within 3 working days of the date of the oral motion. If other parties to the proceeding wish to respond to the motion, the response(s) shall be filed no later than 7 days after the motion is filed.
- (f) The presiding officer shall rule upon a motion after full consideration of all factors relevant to the motion.

Source. #6960, eff 3-25-99

Env-C 204.09 Failure to Appear. If any party to whom notice has been given in accordance with Env-C 204.02 fails to appear and fails to advise the presiding officer of such non-appearance in advance of the hearing, the presiding officer shall hear the evidence and testimony of the party/ies attending the hearing and shall render an opinion based thereon, subject to Env-C 204.10.

Source. #6960, eff 3-25-99

Env-C 204.10 Reconvening of Hearings.

- (a) If a hearing is held in a party's absence pursuant to Env-C 204.09, the party may file a motion within 10 days after the date of the hearing to reconvene the hearing.
- (b) The motion to reconvene the hearing shall include an explanation of why the party did not attend the hearing and why the party did not notify the presiding officer in advance of the hearing, which explanation shall be supported by affidavits or other evidence.
- (c) If the submitted evidence shows that good cause exists to explain the party's failure to appear at the hearing and to explain the party's failure to notify the presiding officer in advance of the hearing, the hearing shall be reconvened and testimony and evidence offered by the party shall be received.
- (d) For purposes of this section, good cause shall be limited to circumstances beyond the control of the party which renders the party unable to attend the hearing and unable to notify the presiding officer in advance of the hearing.

Source. #6960, eff 3-25-99

Env-C 204.11 Proposed Findings of Fact and Conclusions of Law.

- (a) Any party may submit proposed findings of fact and conclusions of law to the presiding officer prior to or at the hearing.
- (b) If all parties have not submitted proposed findings of fact and conclusions of law and the presiding officer determines that proposed findings of facts and conclusions of law would serve to clarify the issues presented at the hearing, the presiding officer shall request the parties to submit proposed findings of fact and conclusions of law by a specified date after the hearing, which date shall be no later than 10 days following the hearing.
- (c) In any case where proposed findings of fact and conclusions of law are submitted, the decision shall include rulings on the proposals.

Source. #6960, eff 3-25-99

Env-C 204.12 Record of the Hearing.

- (a) A record of the hearing shall be kept by tape recording or other method which will provide a verbatim record.
- (b) Copies of the recording shall be provided to any person upon request and payment of the costs of the tape(s) and staff time to make the copy, or of staff time only if enough blank tapes to copy the hearing tape(s) are submitted with the request.

(c) If any person desires a transcript of the hearing tape(s), the department shall prepare or cause to be prepared a transcript provided the cost of the transcription is paid by the person(s) requesting the transcript. If the department hires another person to prepare the transcript, the person requesting the transcript shall be billed directly by and shall directly pay the person preparing the transcript.

Source. #6960, eff 3-25-99

Env-C 204.13 Opening the Hearing. The presiding officer shall open the hearing by describing in general terms the purpose of the hearing and procedures governing its conduct.

Source. #6960, eff 3-25-99

Env-C 204.14 Testimony.

(a) All testimony shall be offered in accordance with RSA 541-A:33, I.

(b) Any individual offering testimony, evidence, or arguments shall state his/her name and address on the record. If the individual is representing another person, the person being represented shall also be identified by name and address.

(c) Testimony shall be offered in the following order:

(1) The department and such witnesses as the department calls;

(2) The respondent and such witnesses as the respondent calls;

(3) Other persons having a direct interest in the action, and such witnesses as they call;

(4) Representatives of federal, state, or local agencies having an interest in or jurisdiction over the subject matter of the hearing; and

(5) Intervenors pursuant to RSA 541-A:32.

(d) Any person included within (c)(1) through (5), above, who wishes to submit written testimony at the hearing in addition to oral testimony shall do so to the presiding officer, provided the person signs and dates such testimony and the presiding officer determines as required by RSA 541-A:33, II, that the interests of the other parties will not thereby be prejudiced substantially. The person submitting written testimony shall give a copy of such testimony to each party. All parties shall have the opportunity to cross-examine the witness on and offer rebuttal testimony to the testimony.

(e) Any person offering testimony shall be subject to cross-examination as provided in Env-C 204.15.

(f) The presiding officer shall terminate any comments, questions, or discussions that are not relevant to the subject of the hearing.

Source. #6960, eff 3-25-99

Env-C 204.15 Cross-Examination.

- (a) If necessary to clarify information presented by a witness or some other aspect of the matter at hand, the presiding officer shall question the witness during or at the conclusion of testimony of that witness.
- (b) The presiding officer shall allow other parties or their representative to cross-examine each witness at the conclusion of the testimony of the witness.

Source. #6960, eff 3-25-99

Env-C 204.16 Evidence.

- (a) Evidence which is relevant and material to the subject matter of the hearing shall be admissible.
- (b) Whenever necessary for a full and fair consideration of the matter, the presiding officer shall take official notice in accordance with RSA 541-A:33, V.
- (c) The presiding officer shall mark all documents, materials, and objects accepted as exhibits with the docket number and shall number or otherwise identify the exhibits in a sequential manner.
- (d) If the original of a document is not readily available, the documentary evidence shall be received in the form of copies or excerpts.
- (e) All written testimony and documents, materials, and objects admitted into evidence shall be made available during the course of the hearing for examination by any person attending the hearing. After the hearing, all such evidence shall be available for review at the department's office in Concord during normal business hours.
- (f) In any proceeding involving an application, the division shall place the application, including any plans or other attachments and any amendments thereto but excluding any information determined to be confidential business information pursuant to Env-C 209, into evidence.
- (g) Any person who objects to a ruling of the presiding officer regarding evidence or procedure shall state the objection and the grounds therefor at the time the ruling is made. Nothing herein shall be construed as independent authorization for interlocutory appeal of rulings of the presiding officer made during a hearing.

Source. #6960, eff 3-25-99

Env-C 204.17 Close of the Record.

(a) After the conclusion of the hearing, the presiding officer shall not accept any evidence, testimony, exhibits, or arguments into the record, except as allowed by (b), below, or pursuant to Env-C 204.19.

(b) Prior to the conclusion of the hearing, a party may request that the record be left open for a specified period of time to accommodate the filing of evidence, exhibits, or arguments not available at the hearing. If the other parties to the hearing have no objection or if the presiding officer determines that such material is necessary to a full consideration of the issues raised in the appeal, the presiding officer shall designate a specific time period for the record to remain open to receive the material.

(c) The party filing such additional material shall also serve a copy of all material filed to each party of record in accordance with Env-C 204.06.

(d) If any other party to the hearing requests time to respond to the material submitted, the presiding officer shall set a specific time period following filing of the material for the filing of a response. If any other party to the hearing requests the opportunity to cross-examine on the additional material submitted, the presiding officer shall set a date and time for a hearing at which cross-examination on the additional material shall be allowed, if the presiding officer determines that cross-examination on the additional material is required for a full and true disclosure of the facts.

(e) The determination to allow cross-examination shall be based on:

(1) The nature of the factual and legal issues in dispute in the proceeding;

(2) The testimony and evidence submitted during the hearing and any cross-examination thereon; and

(3) The nature of the additional material to be submitted.

Source. #6960, eff 3-25-99

#### Env-C 204.18 Continuances.

(a) Any party to a hearing may request that the hearing be continued for reasonable cause and reconvened or rescheduled to a later date and/or time. Reasonable cause shall include, but not be limited to, that an individual party, a representative, or critical witness is unavailable or that the parties believe a settlement is possible and need more time to resolve the matter.

(b) A request for a continuance of a hearing shall be in writing and shall be made as much in advance of the hearing as practicable given the reason the continuance is being requested. The request shall state whether the other parties to the proceeding have been contacted regarding the requested continuance and if so, whether the parties agree to the requested continuance. The party requesting the continuance shall serve a copy of the request on each other party of record in accordance with Env-C 204.06.

(c) The presiding officer shall rule on written requests for continuances in advance of the hearing and shall notify the parties of the ruling. If the request is not received sufficiently in

advance of the hearing to allow a decision to be mailed and received prior to the scheduled hearing date, the presiding officer shall inform the parties of the ruling by telephone or telefacsimile.

(d) If the need for a continuance arises after the start of a hearing or within such time of a hearing as to make filing a written motion impracticable, a party may request a continuance orally on the record.

(e) The presiding officer shall grant the requested continuance if s/he determines that reasonable cause exists and that any prejudice caused by granting the request would be outweighed by any prejudice caused by denying the request.

(f) If the presiding officer grants a request for a continuance made orally on the record and the date, time, and place for the continued hearing are known at the time of the hearing that is being continued, the presiding officer shall state the new date, time, and place on the record. If such later date, time, and place are not known at the time of the hearing that is being continued, the presiding officer shall notify all parties, all representatives that have filed an appearance in accordance with Env-C 204.03(c), and all persons who received the notice of the original hearing, in such a manner as is appropriate to ensure that reasonable notice is given of the time and place of the continued hearing.

Source. #6960, eff 3-25-99

#### Env-C 204.19 Reopening of the Record.

(a) At any time prior to the issuance of the decision on the merits of the issue(s) which form the subject of the adjudicative hearing, the presiding officer on his/her own motion or on the motion of any party shall reopen the record to receive relevant, material, and non-duplicative testimony, evidence, or arguments not previously received.

(b) If a request to reopen the record is made after one or more parties have left the hearing, the requesting party shall put the request in writing and shall file the request with the presiding officer and serve the request on each other party of record in accordance with Env-C 204.06.

(c) If the presiding officer determines that such testimony, evidence, or arguments are necessary to a full consideration of the subject of the hearing, the presiding officer shall reopen the record to accept the offered items.

(d) The presiding officer shall give written notice of such further proceedings if the parties are no longer present, and other interested persons and the public shall be notified in a manner as is appropriate to ensure that reasonable notice is given of the further proceedings. The presiding officer shall also set a deadline for other parties to respond to or rebut the items made part of the record and shall give notice of the deadline in accordance with this paragraph.

Source. #6960, eff 3-25-99

#### Env-C 204.20 Decisions.

(a) A decision shall be made on the matter only after full consideration of the record. In the event a hearing is held pursuant to Env-C 204.09, no decision shall be made prior to the expiration of the 10-day period allowed for filing of a motion to reconvene the hearing.

(b) If the presiding officer is a designee of the person having the authority to make the decision in the case, the presiding officer shall submit a written recommendation to the decision-maker, which contains the following:

- (1) The subject of the hearing, including identification of the relevant statute(s) and rule(s);
- (2) The names and addresses of all parties to the matter;
- (3) The names and affiliations of all individuals who testified at the hearing either orally or in writing and a summary of the testimony received at the hearing;
- (4) A description and discussion of all other evidence presented;
- (5) Proposed findings and conclusions, including proposed rulings on any proposed findings of fact and rulings of law submitted by the parties; and
- (6) A recommended decision.

(c) After reviewing the written recommendation and the record of the proceedings, the person having decision-making authority shall issue a written decision to all parties, which shall:

- (1) Summarize the nature of the proceedings;
- (2) State the decision;
- (3) State the findings and conclusions upon which the decision is based; and
- (4) If proposed findings of fact and conclusions of law were submitted, state the rulings made on the proposals.

Source. #6960, eff 3-25-99

Env-C 204.21 Withdrawal of a Presiding Officer.

(a) Any party may request the presiding officer to withdraw from a matter for good cause.

(b) A request for the presiding officer to withdraw shall be in the form of a motion, and shall be filed and handled in accordance with Env-C 204.08.

(c) For purposes of this section, good cause for withdrawal shall be that the presiding officer has an objectively-demonstrated bias for or against one or more of the parties. Good cause shall not include that the presiding officer is an employee of the department.

(d) The party requesting the withdrawal of the presiding officer shall support the request with sworn testimony or other evidence submitted with the motion.



(e) For purposes of this section, an "objectively-demonstrated bias" means that the party requesting the presiding officer to withdraw submits evidence that shows, by a preponderance of the evidence, that the presiding officer has had personal dealings with a party to the proceeding that would cause a reasonable person to believe that as a result of the dealings, the presiding officer will discount or ignore evidence and law to find in favor of or against the party.

Source. #6960, eff 3-25-99

Env-C 204.22 Roles in Disciplinary and Enforcement Proceedings. In any hearing to determine whether to suspend, revoke, or refuse to renew an operator's license and in any hearing related to enforcement of a statute or rule implemented by the department, including a hearing to determine whether administrative fines shall be imposed, the following persons shall have the role(s) indicated:

- (a) Intervenors shall participate as indicated in the presiding officer's order issued pursuant to RSA 541-A:32, V; and
- (b) Department staff called as a witness by any party or intervenor shall present testimony and evidence as requested.

Source. #6960, eff 3-25-99

## PART Env-C 205 NON-ADJUDICATIVE PUBLIC HEARINGS

Env-C 205.01 Applicability. These rules shall apply to the conduct of hearings held by the department to provide information and receive public comment in any matter that is not a contested case as defined by RSA 541-A:1, IV.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 205.02 Non-Adjudicative Public Hearings. A non-adjudicative public hearing shall be held:

- (a) When proposing to adopt, readopt, amend, or repeal rules;
- (b) To receive oral public comment on a permit application if required by the statute or rules specific to such applications;
- (c) For any matter for which the department is required by law or by these rules to hold a hearing that is not a contested case; and
- (d) For any matter for which the law does not require the department to hold a hearing but for which the department believes a public hearing would be of benefit.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 205.03 Notice. Notice of the date, time, and place of the hearing shall be given as follows:

- (a) For a rulemaking hearing held pursuant to RSA 541-A, by publication in the *Rulemaking Register* pursuant to RSA 541-A; and
- (b) For all other public hearings, by such means as the commissioner determines will notify those persons likely to be interested in the most cost-effective manner.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 205.04 Record.

- (a) A record of the hearing shall be kept by tape recording or other method which will provide a verbatim record.
- (b) Copies of the recording shall be provided to any person upon request and payment of the costs of the tape(s) and staff time to make the copy, or of staff time only if enough blank tapes to copy the hearing tape(s) are submitted with the request.
- (c) If any person desires a transcript of the hearing tape(s), the department shall prepare or cause to be prepared a transcript provided the cost of the transcription is paid by the person(s) requesting the transcript. If the department hires another person to prepare the transcript, the person requesting the transcript shall be billed directly by and shall directly pay the person preparing the transcript.

Source. #5860, eff 7-1-94; ss by #6960, eff 3-25-99

Env-C 205.05 Opening the Hearing.

- (a) The presiding officer shall open the hearing by describing in general terms the purpose of the hearing and procedures governing its conduct.
- (b) If the purpose of the hearing is to provide information to the public, the presiding officer, department staff, or such other person as the presiding officer designates shall then present such information.
- (c) After the opening statement and presentation of information, if any, the presiding officer shall open the hearing to receive comments and/or questions from the persons attending the hearing.

Source. #6960, eff 3-25-99

Env-C 205.06 Testimony.

- (a) Any individual wishing to submit written testimony or exhibit(s) at a non-adjudicative public hearing shall do so to the presiding officer, provided the individual signs and dates such testimony or exhibit(s).

(b) Any individual wishing to testify at a non-adjudicative public hearing shall submit his/her name, address, and whom s/he represents, if anyone, in writing to the presiding officer. The presiding officer shall call each individual to present his/her testimony. The presiding officer shall encourage individuals who plan to testify orally to place their testimony in writing and to submit such written testimony to the presiding officer prior to the close of the record.

(c) At the conclusion of testimony of each individual, the individual shall remain available to answer questions from the presiding officer, who shall only ask such questions as are necessary to clarify the testimony given.

(d) The presiding officer shall terminate any comments, questions, or discussions that are not relevant to the subject of the hearing.

Source. #6960, eff 3-25-99

Env-C 205.07 Closing the Hearing and the Record.

(a) The presiding officer shall close the hearing when s/he determines that no one has further questions or comments that are relevant to the subject of the hearing.

(b) At a non-adjudicative public hearing other than a rulemaking hearing, if additional time is requested to submit written testimony as specified in Env-C 205.06(b) or supplemental information which the presiding officer determines to be relevant to the subject of the hearing, s/he shall designate a specific time period for the record to remain open to receive such information.

(c) For rulemaking hearings, the record shall remain open until the date specified in the notice published in the *Rulemaking Register*.

Source. #6960, eff 3-25-99

Env-C 205.08 Continuances.

(a) Hearings on proposed rules shall be continued only in accordance with RSA 541-A.

(b) At any non-adjudicative public hearing other than a hearing on proposed rules, if anyone requests a continuance and the presiding officer determines that the public will be best served by continuing the hearing and that any prejudice caused to any person as a result of the continuance is outweighed by the benefit to the public of granting the continuance, the presiding officer shall order that the hearing be continued to a later date, time, and place.

(c) If such later date, time, and place are known at the time of the hearing that is being continued, the presiding officer shall state the date, time, and place on the record.

(d) If such later date, time, and place are not known at the time of the hearing that is being continued, the presiding officer shall state how notice will be given of the date, time, and place of the continued hearing.

Source. #6960, eff 3-25-99

## PART Env-C 206 MOTIONS FOR RECONSIDERATION

Env-C 206.01 Purpose. The rules in this part are intended to supplement any statutory provisions, such as RSA 541, which require or allow a person to request reconsideration of a decision of the department prior to appealing the decision. These rules do not create the right to request reconsideration of a decision where it does not otherwise exist under law.

Source. #6960, eff 3-25-99

Env-C 206.02 Applicability. The rules in this part shall apply whenever any person has a right under applicable law to request a reconsideration of a decision prior to filing an appeal of the decision with the applicable court or council having appellate jurisdiction.

Source. #6960, eff 3-25-99

Env-C 206.03 Time for Filing. As specified in RSA 541:3, any motion for reconsideration shall be filed no later than 30 days after the date the decision that is the subject of the motion was issued.

Source. #6960, eff 3-25-99

Env-C 206.04 Filing.

(a) Any person wishing to request reconsideration of a decision of the commissioner shall file the original and 2 copies of a motion for reconsideration at the following address:

Office of the Commissioner, Enforcement Unit

Department of Environmental Services

6 Hazen Drive

Concord, NH 03301

(b) Any person wishing to request reconsideration of a decision of a division relating to a matter for which the commissioner has delegated the decision-making authority to the division shall file the original and 2 copies of a motion for reconsideration with the director of the division at the following address:

Department of Environmental Services

6 Hazen Drive

Concord, NH 03301

(c) For purposes of this section, a "decision of the commissioner" means a decision that is

signed by the commissioner, or by the assistant commissioner on behalf of the commissioner, either alone or in conjunction with a division director, such as an administrative order.

(d) For purposes of this section, a "decision of a division" means a decision that is signed by a division director or other authorized division staff, but not signed by the commissioner or by the assistant commissioner on behalf of the commissioner, such as a decision to issue or deny a permit.

Source. #6960, eff 3-25-99

Env-C 206.05 Format and Content of Motion. The person filing a motion for reconsideration shall provide the following information:

- (a) The exact legal name of each person moving for reconsideration and the residence address or principal place of business of the person;
- (b) A clear and concise statement of the reason(s) why the person believes the decision to be in error;
- (c) A concise and explicit statement of the facts upon which the department is expected to rely in granting relief;
- (d) A clear and concise statement of the specific relief or ruling requested;
- (e) A copy of the decision which is the subject of the motion; and
- (f) Such other information as the party filing the motion deems pertinent and relevant, including sworn written testimony and other evidence that was not available for the hearing.

Source. #6960, eff 3-25-99

## PART Env-C 207 RULEMAKING PETITIONS

Env-C 207.01 Applicability. The rules in this part shall apply to any petition submitted pursuant to RSA 541-A:4.

Source. #6960, eff 3-25-99

Env-C 207.02 Filing. Any person wishing to file a rulemaking petition shall file the original and one copy of the petition with the commissioner at the following address:

Office of the Commissioner

Department of Environmental Services

6 Hazen Drive

Concord, NH 03301

Source. #6960, eff 3-25-99

Env-C 207.03 Format and Content of Petition. The person filing a petition to adopt, amend, or repeal a rule shall provide the following information:

- (a) The exact legal name of each person requesting the adoption, amendment, or repeal of the rule, with a residence address or principal place of business of the person;
- (b) Whether the person is asking the department to adopt, amend, or repeal a rule;
- (c) If the petition is to adopt a rule:
  - (1) The chapter, part, and section, by alphanumeric code, where the person proposes the rule to be inserted; and
  - (2) The language that the person wants to have adopted as a rule;
- (d) If the petition is to amend a rule:
  - (1) The specific rule, by alphanumeric code, that is the subject of the petition; and
  - (2) The language that the person wants to have adopted as a rule;
- (e) If the petition is to repeal a rule, the specific rule, by alphanumeric code, that is the subject of the petition;
- (f) A concise and explicit statement of why the petitioner wants the department to undertake the action requested; and
- (g) Such other information as the person filing the petition deems pertinent and relevant, including sworn written testimony.

Source. #6960, eff 3-25-99

Env-C 207.04 Processing of Rulemaking Petitions.

- (a) Upon receipt of a petition to adopt, amend, or repeal a rule, the commissioner shall proceed in accordance with RSA 541-A:4.
- (b) The petition shall be granted and a rulemaking proceeding shall be initiated if the commissioner determines that the proposed action is:
  - (1) Consistent with state and federal law and policy; and
  - (2) In the best interests of the state.

Source. #6960, eff 3-25-99

## PART Env-C 208 CLAIMS OF CONFIDENTIALITY

Env-C 208.01 Purpose. The purpose of this part is to provide a mechanism by which a person who submits information to the department can protect confidential business information or trade secrets under any statute implemented by the department.

Source. #6960, eff 3-25-99

Env-C 208.02 Applicability. Subject to Env-C 208.05, any person submitting information to the department may make a claim of confidentiality for all CBI, or any part thereof, pursuant to the criteria and procedures of this part.

Source. #6960, eff 3-25-99

Env-C 208.03 Definition.

(a) "Confidential business information" ("CBI") means information that is exempt from disclosure under RSA 91-A:5, IV or any statute implemented by the department, including but not limited to any formula, pattern, device, or compilation of information which is used in the business of the person making the claim of confidentiality, which is protected from disclosure by that person and which gives that person an opportunity to obtain an advantage over competitors who do not know of or use it.

Source. #6960, eff 3-25-99

Env-C 208.04 Procedure for Making a Claim of Confidentiality.

(a) Any person who wishes to make a claim that information being submitted to the department is CBI shall assert that claim at the time the information is initially submitted to the department by stamping or otherwise marking each page of such information with the notation "confidential" or "confidential business information". If the claimant believes that only part of the information on a page is CBI, the claimant shall identify all portions to which the claim applies at the time of submission, and shall designate only that portion of the page as "confidential".

(b) If a claim of confidentiality is made for any information that falls within any category identified in Env-C 208.05, the department shall not treat the information as confidential.

Source. #6960, eff 3-25-99

Env-C 208.05 Non-Confidential Information. No claim of confidentiality shall be made with respect to the following:

(a) Any information for which no claim of confidentiality was made at the time of the initial submission;

(b) Comments submitted by any person during the public comment period of any administrative proceeding of the department;

- (c) Information which is known by the department to be in the public domain, in which case the department shall identify the public domain source of the information;
- (d) Information which demonstrates that a violation of any statute implemented by the department or rules adopted pursuant to such statutes has occurred; or
- (e) Information that is exempted from claims of confidentiality pursuant to any statute implemented by the department or rules adopted pursuant to such statutes which establish criteria or exceptions for claims of confidentiality.

Source. #6960, eff 3-25-99

Env-C 208.06 Release or Other Use of Information.

- (a) When the department receives a request for release of information that has been designated CBI, the department shall review the information to determine whether the requested information falls within the scope of information that is exempt from disclosure under RSA 91-A:5, IV.
- (b) If the department believes that the information is not exempt from disclosure, the department shall notify the person asserting the claim of confidentiality in writing that the information shall be released pursuant to the request on a specific date, which shall be no sooner than 10 days after the date of issuance of the notification.
- (c) If no objection to the release is received by the department prior to the specified release date, the department shall release the information to the requesting person and thereafter the information shall no longer be treated as confidential by the department.
- (d) If the department receives information from another agency of the state or federal government that has been designated as CBI, the department shall exercise the same degree of confidentiality for the information as is exercised by the sending agency to the extent authorized by New Hampshire law.

Source. #6960, eff 3-25-99

PART Env-C 209 LICENSE DENIALS AND ACTIONS

Env-C 209.01 Definitions. For purposes of this part, the following definitions shall apply:

- (a) "Applicable requirements" means all requirements that apply to a site, facility, or activity imposed by:
  - (1) Any state statutory provisions for which the department is primarily responsible for implementation or enforcement;
  - (2) Any rule adopted by the commissioner pursuant to statutory rulemaking authority;



(3) Any license issued by the department pursuant to statutory authority;

(4) Any federal statutory provisions or regulations, for which the United States Environmental Protection Agency ("USEPA") is primarily responsible for implementation or enforcement, which are analogous to state statutes or rules implemented or enforced by the department; or

(5) Any license issued by the USEPA which is analogous to a state license issued by the department.

(b) "Applicant" means any person who has applied to the department for any license.

(c) "Chronic non-complier" means a person who:

(1) Has committed, within 3 years of the date of application or of the violation(s) for which a license action has been initiated, as applicable:

a. More than 2 violations that remain uncorrected after the department or the USEPA has notified the respondent, in writing, of the violations and the need to correct them, which demonstrates that the respondent is unable or unwilling to comply with applicable requirements; or

b. More than 3 violations that are corrected by the respondent after the department or the USEPA has notified the respondent, in writing, of the violations and the need to correct them, but recur with a frequency that demonstrates that the respondent is unable or unwilling to maintain compliance with applicable requirements; or

(2) Has been the subject, within 3 years of the date of the application or of the violation(s) for which a license action has been initiated, as applicable, of 2 or more administrative or civil enforcement actions or one criminal enforcement action that have not been overturned on appeal for violations of any applicable requirements pertaining to any of the respondent's activities.

(d) "Enforcement action" means a proceeding initiated by or at the request of the department or the USEPA against a person who is believed to have violated any applicable requirements, which is intended to cause the person to comply with applicable requirements and/or to impose a monetary penalty or incarceration.

(e) "License" means "license" as defined by RSA 541-A:1, VIII, namely "the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission

required by law."

(f) "License action" means an adjudicative proceeding initiated by the department to suspend, revoke, or refuse to renew a license.

(g) "License holder" means the person to whom the department has issued a license.

(h) "Person" means "person" as defined by the statute or rules applicable to the application or license at issue.

(i) "Respondent" means, as applicable:

(1) The applicant for a license; or

(2) The license holder who is, or is proposed to be, the subject of a license action.

Source. #6960, eff 3-25-99; ss by #7562, eff 9-26-01

Env-C 209.02 Grounds for Denying a License Application. In addition to such grounds for denying a license application identified in rules specific to the license for which an application was filed, the following shall constitute good cause to deny a license application:

(a) The applicant owes any fees to the department, unless the fees are being paid in accordance with a payment schedule and the applicant is current with all payments;

(b) The applicant owes any administrative fines to the department, unless the fines are being paid in accordance with a payment schedule and the applicant is current with all payments;

(c) The applicant has failed to comply with any administrative order issued by the department, unless the applicant is complying in accordance with a compliance schedule and is current with all items;

(d) The applicant owes any civil or criminal penalties imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department, unless the penalties are being paid in accordance with a payment schedule and the applicant is current with all payments;

(e) The applicant has failed to comply with any civil or criminal restoration or restitution order imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department, unless the applicant is complying in accordance with a compliance schedule and is current with all items; and

(f) The Applicant is a chronic non-complier.

Source. #6960, eff 3-25-99; amd by #7562, eff 9-26-01

Env-C 209.03 Grounds for Suspension, Revocation, or Refusal to Renew. In addition to such grounds for suspending, revoking, or refusing to renew a license identified in rules specific to the license at issue, the following shall constitute good cause to suspend, revoke, or refuse to renew a license issued by the department:

(a) The license holder owes any fees to the department, unless the fees are being paid in accordance with a payment schedule and the license holder is current with all payments;

(b) The license holder owes any administrative fines to the department, unless the fines are being paid in accordance with a payment schedule and the applicant is current with all payments;

(c) The license holder has failed to comply with any administrative order issued by the department, unless the license holder is complying in accordance with a compliance schedule and is current with all items;

(d) The license holder owes any civil or criminal penalties imposed as a result of a judicial

action taken to enforce any statute or rule implemented by the department, unless the penalties are being paid in accordance with a payment schedule and the license holder is current with all payments;

(e) The license holder has failed to comply with any civil or criminal restoration or restitution order imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department, unless the applicant is complying in accordance with a compliance schedule and is current with all items; and

(f) The license holder is a chronic non-complier.

Source. #6960, eff 3-25-99; amd by #7562, eff 9-26-01

#### Env-C 209.04 Relevance of Prior Violations.

(a) The department shall not base a decision to suspend, revoke, or refuse to renew a license or to deny a license application on prior violation(s) not documented by one or more enforcement actions that arose in a program other than the program to which the license application or license pertains unless the prior violations(s) can reasonably be found to be relevant to the license or application under consideration.

(b) Any prior violation(s) arising in the same program as the license or application under consideration shall be deemed to be relevant to the pending license action.

Source. #6960, eff 3-25-99; ss by #7562, eff 9-26-01

#### Env-C 209.05 Determination to Deny a License Application or to Suspend, Revoke, or Refuse to Renew a License.

(a) The determination of whether to deny a license application or to suspend, revoke, or refuse to renew a license shall be made in accordance with the procedural rules specific to the

type of license at issue.

(b) If the respondent has not already had the opportunity to contest, through an adjudicative proceeding, the prior violation(s) on which the department proposes to base a decision to deny a license application or to suspend, revoke, or refuse to renew a license, the respondent shall have the opportunity to contest such prior violation(s) through an adjudicative proceeding prior to a final decision being made.

(c) In any proceeding under (b) above, the division shall bear the burden of proof on any alleged prior violation(s) not documented by one or more enforcement actions in the same manner as would have been true if an adjudicative proceeding had been initiated at the time of discovery of the prior violation(s).

Source. #7562, eff 9-26-01

Env-C 209.06 License Conditions.

(a) The department shall include conditions in a license whenever it determines that such conditions are necessary to:

(1) Provide greater assurance that the license holder will comply with applicable requirements; or

(2) Minimize the potential for harm to public health or the environment from any violations of applicable requirements.

(b) Any conditions so added shall relate directly to the site, facility, or activity for which the license is issued and shall be no more than reasonably necessary to achieve the criteria in (a), above.

(c) The determination of whether such conditions are reasonably necessary shall be made based on:

(1) The nature and scope of the license being issued; and

(2) The compliance history of the applicant, including whether the applicant is a chronic non-complier.

(d) The license holder may appeal any conditions included in a license pursuant to this section in accordance with existing appeal routes established under the statute which authorizes the department to issue the license to which the conditions were attached.

Source. #7562, eff 9-26-01

<b>Cross-Reference Chart: Statutes Implemented by Proposed Rules</b>		
<b>Rule</b>	<b>Title</b>	<b>Statute(s) Implemented</b>
Env-C 200	Rules of Practice and Procedure	RSA 541-A:16, I
Env-C 201	Provisions Applicable to All Proceedings	RSA 541-A:30-a, III; all other statutes identified herein
Env-C 202	Adjudicative Hearings	RSA 541-A:16, I(b)(2); RSA 541-A:30, II; RSA 125-C:15, I-b; RSA 125-D:4; RSA 125-I:3-a; RSA 125-J:8, I-a; RSA 141-E:15-a, II; RSA 146-A:15; RSA 146-C:10-a; RSA 147-A:17-a; RSA 149-M:16; RSA 149-M:37, IV; RSA 482:79-a; RSA 482:89, II; RSA 482-A:13; RSA 483-B:18, III(c); RSA 485:58, IV; RSA 485-A:22,V; RSA 485-A:28, II; RSA 485-A:43,V; RSA 485-A:54,V; RSA 485-C:18; and RSA 487:7, II
Env-C 203	Non-Adjudicative Public Hearings	RSA 541-A:16, I(b); RSA 541-A:11, I
Env-C 204	Motions for Reconsideration	Same as Env-C 202
Env-C 205	Rulemaking Petitions	RSA 541-A:4; RSA 541-A:16, I(c)
Env-C 206	Claims of Confidentiality	RSA 541-A:16, I
Env-C 207	License Denials and Actions	RSA 541-A:16, I; RSA 541-A:30, II; RSA 125-C:11; RSA 125-I:3, I(c); RSA 146-C:4; RSA 147-A:4; RSA 149-M:9; RSA 332-E:6; RSA 482:5; RSA 482:7; RSA 482:9; RSA 482:29; RSA 482:31; RSA 482-A:3; RSA 485:3; RSA 485:3-a; RSA 485-A:4, IX-b, IX-c, and XVI-a; RSA 485-A:7-

		c; RSA 485-A:13, I(a); RSA 485-A:17, I; RSA 485-A:26, I; RSA 485-A:29; RSA 485-A:35, I; RSA 485-A:36, I; RSA 485-A:47; RSA 485-C:6-a; RSA 485-C:13
Env-C 209.01, 209.02(f), 209.03(f), 209.04, 209.05, 209.06		RSA 541-A:16, I; RSA 541-A:30, II; RSA 125-C:11; RSA 125-I:3, I; RSA 146-A:11-c; RSA 146-C:4; RSA 147-A:4; RSA 147-A:6; RSA 149-M:9; RSA 332-E:6; RSA 482:5; RSA 482:7; RSA 482:9; RSA 482:29; RSA 482:31; RSA 482-A:3; RSA 482-B:8,II; RSA 485:3; RSA 485:3-a; RSA 485-A:4, IX-b, IX-c, XVI-a and XVI-b; RSA 485-A:7-c; RSA 13, I(a); RSA 485-A:26, I; RSA 485-A:29; RSA 485-A:35, I; RSA 485-A:36, I; RSA 485-A:47; RSA 485-C:6-a; RSA 485-C:13